

BYLAW NO. 3517/2014

BEING A BYLAW OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, TO REGULATE THE KEEPING OF CHICKENS IN URBAN AREAS

WHEREAS pursuant to section 7 of the *Municipal Government Act* the council of a municipality may pass bylaws for municipal purposes respecting: the safety, health and welfare of people and the protection of people and property; wild and domestic animals, and activities in relation to them; and the enforcement of bylaws; and

WHEREAS pursuant to section 8 of the *Municipal Government Act* the council of a municipality may, in a bylaw, regulate or prohibit and to provide for a system of licences, permits and approvals.

NOW THEREFORE, COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, ENACTS AS FOLLOWS:

1. This bylaw may be called the “Chicken Bylaw”.
2. For the purposes of this bylaw:
 - (a) “**Chicken License**” means a license issued by the City Manager pursuant to this Bylaw authorizing the license holder to keep Urban Chickens on a specific property within an Urban Area;
 - (a.1)¹ “**Change Fee**” means the fee charged to a Chicken Licence account when a licensee changes the physical address of the Chicken Licence;
 - (b) “**Coop**” means a fully enclosed weather proof structure and attached Outdoor Enclosure used for the keeping of Urban Chickens, that is no larger than 10 m² in floor area, and no more than 2.4m in height;
 - (c) “**Hen**” means a domesticated female chicken;
 - (d) “**Municipal Tag**” means a document alleging an offence issued pursuant to the authority of a Bylaw of the City;

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- (e) **“Outdoor Enclosure”** means a securely enclosed, roofed outdoor area attached to and forming part of a Coop having a bare earth or vegetated floor for Urban Chickens to roam;
- (f) **“Peace Officer”** has the same meaning as in the *Provincial Offences Procedure Act*;
- (g) **“Rooster”** means a domesticated male chicken;
- (h) **“Urban Chicken”** means a Hen that is at least 16 weeks of age;
- (i) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*;
- (j) **“Urban Area”** means lands located within the City on which agricultural operations, including but not limited to the keeping of livestock are neither a permitted or discretionary use under the City’s Land Use Bylaw.

Purpose

- 3. The purpose of this bylaw is to regulate and control the keeping of chickens within Urban Areas.

Prohibitions

- 4. In an Urban Area, no person shall:
 - (a) keep a Rooster;
 - (b) keep a Hen, other than an Urban Chicken for which a valid Chicken License has been issued.

Chicken License

- 5. A person may apply to keep no more than (4) Urban Chickens by:
 - (a) submitting a completed application, on the form approved by the City Manager, and

(b)²paying the applicable licence fee set out in Schedule “A”

6. The City Manager may not issue or renew a Chicken License unless satisfied that:

- (a) the applicant is the owner of the property on which the Urban Chickens will be kept, or that the owner of the property has provided written consent to the application;
- (b) the land use districting of the property on which the Urban Chickens will be kept allows the placement of a Coop for the keeping of Urban Chickens;
- (c) the applicant resides on the property on which the Urban Chickens will be kept;
- (d) the applicable fee has been paid; and
- (e) all required information has been provided.

7. ³Deleted

8. The City Manager may refuse to grant or renew a Chicken License for the following reasons:

- (a) the applicant or license holder does not or no longer meets the requirements of this bylaw for a Chicken License;
- (b) the applicant or license holder:
 - i. furnishes false information or misrepresents any fact or circumstance to the City Manager or a Peace Officer;

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- ii. has, in the opinion of the City Manager based on reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted;
- iii. fails to pay a fine imposed by a court for a contravention of this Bylaw or any other applicable Bylaw related to the keeping of Urban Chickens;
- iv. fails to pay any fee required by this or any applicable Bylaw; or

(c) in the opinion of the City Manager based on reasonable grounds it is in the public interest to do so.

9. ⁴If the City Manager refuses to grant or renew a Chicken License, the applicant may appeal the decision to the Licensing and Community Standards, in accordance with the procedures set out in The Red Deer Tribunals Bylaw.

10. A Chicken License is valid only for the period January 1 to December 31 in the year for which it is issued.

11. ⁵A Chicken License is not transferable from one person to another.

12. A person to whom a Chicken License has been issued shall produce the license at the demand of the City Manager or a Peace Officer.

Chicken Licence Fee

12.1⁶ If the fee for a Chicken Licence is not paid, the Chicken Licence is not valid.

Keeping of Urban Chickens

13. A person who keeps Urban Chickens must:

- (a) provide each Hen with at least 0.37 m² of interior floor area, and at least 0.92 m² of Outdoor Enclosure, within the Coop;

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- (b) ⁷provide and maintain, in the Coop, at least one nest box per Coop and one perch per Hen, that is at least 15 cm long;
- (c) keep each Hen in the Coop at all times;
- (d) provide each Hen with food, water, shelter, light, ventilation, care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the Hen in good health;
- (e) maintain the Coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
- (f) construct and maintain the Coop to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
- (g) keep a food container and water container in the Coop;
- (h) keep the Coop secured from sunset to sunrise;
- (i) remove leftover feed, trash, and manure in a timely manner;
- (j) store feed within a fully enclosed container;
- (k) ⁸store manure within a fully enclosed container, and store no more than 3 cubic feet of manure at a time;
- (l) remove all other manure not used for composting or fertilizing and dispose of same in accordance with City bylaws;
- (m) follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak; and
- (n) keep Hens for personal use only.

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14. No person who keeps Urban Chickens shall:

- (a) sell eggs, manure, meat, or other products derived from Hens;
- (b) slaughter a Hen on the property;
- (c) dispose of a Hen except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of Hens; and
- (d) keep a Hen in a cage, kennel, or any shelter other than a Coop.

Offence

15.⁹A person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to:

- (a) fine in the amount specified in Schedule “B” or twice that amount for a second or subsequent offence within a 12 month time period; or
- (b) for any offence for which there is no penalty specified, to a penalty of \$100 or twice that amount for a second or subsequent offence within a 12 month time period.

Continuing Offence

16.¹⁰In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable, upon summary conviction, to a fine in an amount not less than that established by this Bylaw for each such day.

17.¹¹Deleted

Municipal Tag

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18. A Peace Officer is authorized and empowered to issue a Municipal Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

19. A Municipal Tag may be issued to such person:

- (a) either personally; or
- (b) by mailing a copy to such person at his or her last known post office address.

20. The Municipal Tag shall be in a form approved by the City Manager and shall state:

- (a) the name of the Person;
- (b) the offence;
- (c) ¹²fine amount;
- (d) that the penalty shall be paid within 14 days of the issuance of the Municipal Tag; and
- (e) any other information as may be required by the City Manager.

Payment in Lieu of Prosecution

21. Where a Municipal Tag is issued pursuant to this Bylaw, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified within the time period indicated on the Municipal Tag.

Violation Ticket

22. If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.

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23. Despite section 22, a Peace Officer is authorized and empowered to issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

24. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) ¹³impose the specified penalty established by this Bylaw for the offence and permit a person to make a voluntary payment; or
- (b) require a person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

25. ¹⁴A person who commits an offence and who wishes to plead guilty may:

- (a) if a Violation Ticket is issued in respect of the offence; and
- (b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

¹⁵plead guilty to the offence by making a voluntary payment by submitting to a Clerk of the Alberta Court of Justice, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

Obstruction

26. No Person shall obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this Bylaw.

Powers of City Manager

27. Without restricting any other power, duty or function granted by this Bylaw, the City Manager may:

- (a) carry out any inspections to determine compliance with this Bylaw;

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- (b) take any steps or carry out any actions required to enforce this Bylaw;
- (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- (d) establish forms for the purposes of this Bylaw; and
- (e) delegate any powers, duties or functions under this Bylaw to a City employee.

General

28. Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other City Bylaw, or any requirement of any lawful permit, order or licence.

Severability

29. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

Enactment

30. This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ A FIRST TIME IN OPEN COUNCIL this 23 day of June 2014.

READ A SECOND TIME IN OPEN COUNCIL this 7 day of July 2014.

READ A THIRD TIME IN OPEN COUNCIL this 7 day of July 2014.

AND SIGNED BY THE MAYOR AND CITY CLERK this 7 day of July 2014.

“Tara Veer”

MAYOR

“Frieda McDougall”

CITY CLERK

Schedule "A"

FEES AND CHARGES

1. The fee for a Chicken Licence is \$36.15.
2. The Change Fee for a Chicken Licence is \$28.40.
3. The licence fee is to be reviewed and adjusted each year, prior to the renewal process, based on the Consumer Price Index (CPI) of Alberta. Fees will be rounded to the nearest \$0.05.
4. Fees under this bylaw will not be prorated and are non-refundable once paid.

Schedule "B"

FINES AND PENALTIES

Section	Offence	Fine
4(a)	Keeping a Rooster	\$300.00
4(b)	Keeping a Hen, other than an Urban Chicken for which a valid Chicken Licence has been issued	\$250.00
13(c)	Failure to keep each Hen in the Coop at all times	\$100.00
13(e)	Failure to maintain the Coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances	\$250.00
13(k)	Failure to store manure within a fully enclosed container, and store no more than 3 cubic feet of manure at a time	\$250.00
14(a)	Selling eggs, manure, meat or other products derived from Hens	\$500.00
14(b)	Slaughtering Hen on the property	\$500.00
14(c)	Disposing of a Hen except as outlined in the bylaw	\$250.00